

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.  
**PLAINTIFF**

v.

TYSON FOODS, INC. et al.  
**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

### THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.  
**THIRD PARTY DEFENDANTS**

CASE NUMBER: 05-CV-0329-JOE-SAJ

To: **Brian Addington Service agent for  
 Barnacle Bills Marina, L.L.C.  
 HC 69 Box 797,  
 Park Hill OK 74451**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY	DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:
Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 West 6 <sup>th</sup> Street Tulsa, OK 74119-1010	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Robert P. Redemann            Lawrence W. Zeringue            David C. Senger            Perrine, McGivern, Redemann, Reid,            Berry &amp; Taylor, PLLC            P. O. Box 1710            Tulsa, OK 74101-1710            For Cal-Maine Foods, Inc.</p> <p>George W. Owens            Randall E. Rose            The Owens Law Firm, P.C.            234 West 13<sup>th</sup> Street            Tulsa, OK 74119            For George's Inc.</p> <p>John R. Elrod            Vicki Bronson            Conner &amp; Winters, P.C.            100 West Center Street, Suite 200            Fayetteville, AR 72701            For Simmons Foods, Inc.</p> </div> <div style="width: 45%;"> <p>A. Scott McDaniel            Joyce, Paul &amp; McDaniel PLLC            1717 South Boulder, Suite 200            Tulsa, OK 74119            For Peterson Farms</p> <p>Robert W. George            Kutack Rock LLP            The Three Sisters Building            214 West Dickson Street            Fayetteville, AR 72701-5221            For Tyson Foods, Inc.</p> <p>R. Thomas Lay            Kerr, Irvine, Rhodes &amp; Ables            201 Robert S. Kerr Ave., Suite 600            Oklahoma City, OK 73102            For Willow Brook Foods, Inc.</p> </div> </div>

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi

Clerk



(By) DEPUTY CLERK

**MAR 15 2006**

Date

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>4-3-06</u>	
NAME OF SERVER (PRINT) <u>Art Higley</u>	TITLE <u>process server</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the third-party defendant. Place where served:   <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:   <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>4-3-06</u> <u>Art Higley</u>  Date Signature of Server</p> <p style="text-align: center;">_____  Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.